

16/Dec (w) 04-05

**AWARD NO. : /2005**

**Name of Village** Khasra No. 2359, Basai Darapur, New  
Delhi.  
**Nature of Acquisition** : Permanent  
**Purpose for Acquisition** : Planned development of Delhi

These are the proceedings for acquisition of land U/s 11 of Land Acquisition Act, 1894 initiated for the purpose of P.D.D. The notification for land measuring 557.61 sqm was issued by the Land & Building Department on 01.04.2004 u/s 4 vide notification No. F.10(40)/2003//L&B/LA/13523 of the Land Acquisition Act after hearing the objections under section 5A. The declaration u/s 6 of Land Acquisition Act was issued vide Notification No. F.10(40)/2003/L&B/LA/13523 dated 10.11.2004.

S. NO.	PROPERTY NO.	LOCALITY	AREA IN SQ. METER
1.	Khasra No. 2359 (min)	Basai Darapur	557.61
		<b>Total :</b>	<b>557.61</b>

Wide publicity of the notification was given through important Dailies both in English and in Hindi having the very large circulation in Delhi, for the knowledge of interested parties/persons.

The Notices u/s-9(1) & 10(1) of the L.A. Act were issued inviting claims from the owners/occupants/interested persons of the properties. In response to this, some interested persons have filed their claims which are detailed under the heading 'Claims & Evidences'. This acquisition involves land & structures appurtenant thereto.



### MEASUREMENT AND TRUE AREA

As per the notification, the total area of land measuring 557.61 sqm. was notified for acquisition. On physical survey, the total area was found to be the same i.e. 557.61 sqm. The entire area required for P.D.D. have been covered in the notification and declaration & there is no discrepancy on this account.

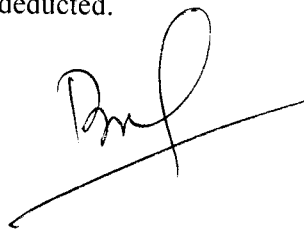
### CLAIMS & EVIDENCES

In response to the notices issued u/s 9(1) and 10(1) of the Land Acquisition Act, 1894 to the owners/occupants/interested persons, the following persons filed their claims:-

S.No	Property No.	Name of the claimant	Claims
1.	Khasra No. 2359 (min)	Virender Singh Sood	Rs. 50,000/- per sq. yard for land. Rs. 7 lacs for damage Alternative plot Interest @ 15% p.a. Addl. Amount @ 12% p.a. Solatium @ 30%

On perusal of the claims filed by the interested persons, it is noted that most of the interested persons have claimed market value of land at Rs. 50,000/-per sqm. approximately. But none of them have furnished any documentary evidence like registered sale deeds of similar land anywhere nearer to the claimed market value. It is further observed that the claims are not only exorbitantly high but also lacks supportive evidences.

Similarly, the claims towards cost of structures and other damages have been very high and not supported by reliable evidences. Most of them were not evaluated by credible Govt. approved valuers, hence were not accepted to be the basis of arriving at the compensation towards structures. The claims towards other items like defacement of properties, discomfort, loss of business, cost of shifting and transportation are not supported by documentary evidences and posses no scientific base on which such calculation were deducted.



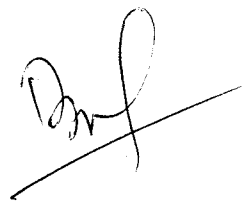
## MARKET VALUE

### A. LAND

To arrive at fair market value, the locality of the site, situation of the area and finally the quality, potentiality and use of area and finally the quality, potentiality and use of land should be kept in mind. The property under acquisition are situated in Mansarovar Garden have residential as well as commercial activities in the vicinities. The market value of the land under acquisition is to be determined with reference to the date of publication of notification u/s 4 of the L.A. Act 1894, which in this case is 01.04.2004, so that adequate compensation on prevailing market value could be awarded.

Keeping the above facts in mind, two methods of valuation of land under acquisition were followed. In the first method, the schedule of rates circulated by Deptt. of Urban Development, Ministry of Urban Affairs & Employment vide letter No. J-22011/4/95-LD dated 16.4.1999 was referred. It was noted that indicative price of land in Mansarovar Garden, Kirti Nagar area was given at Rs. 6,930 /- per sqm. for residential purpose and Rs. 14,490/- for commercial purpose. But these rates were applicable till March, 2000 and not revised yet, thus making the method inherently deficient.

In another method of valuation, the price paid within a reasonable time-frame in bonafide transactions of purchase of similar lands possessing similar advantages has been followed. So the certified registered sale deeds of rates of similar lands in the adjacent areas of Rajouri Garden & Tilak Nagar, were collected to estimate the fair market value.



The details of sales transactions have been summarized as under :-

Sl. No.	Registration No. & date	Amount (in Rs.)	Area in sqm.	Name of colony & revenue state	Average Rate (per sqm.)
1.	1333-6.02.2001	33,75,000/-	334.00	W-5, West Patel Nagar (Shadipur)	Rs. 10,105/-
2.	5080-23.03.2004	4,85,000/-	83.61	Tilak Nagar (Tihar)	Rs. 5,800/-
3.	9675-12.11.2003	60,00,000/-	422	Rajouri Garden (Basai Darapur)	Rs. 14,218/-

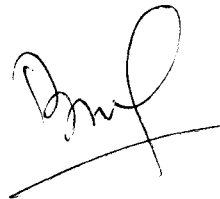
On calculation, the average sale price of these transactions comes to Rs. 10,041/- per sqm.

Further, in the judgement of the Hon'ble High Court of Delhi in the matter of Sh. Varinder Singh Sood Vs MCD & Others., CWP No. 1339 of 2003, the court has identified the land use on the basis of affidavit filed by the DDA. As per their assessment the site in question is situated in the Zonal Development Plan of the area has been shown as having the land use as "Community Centre". Moreover, as per the counter affidavit filed by the DDA, this land can also be used as guest house, nursing home, post-office, dispensary, ESS& conveniences.

After considering the above factors including potential commercial use of land in question and keeping the locational advantage of being situated on main road in mind, justified market value has been assessed at Rs. 13,491/- per sqm for this property.

#### B. STRUCTURE

The value of boundary wall, gate, tree and any other things should also be given to the interested persons. On this property, a boundary wall of 5 feet height made of bricks without plaster alongwith three iron gates, one borewell and eight trees were standing at the time of survey. The value of boundary wall & iron gates is assessed at Rs. 46,800/-.



## **OTHER COMPENSATIONS**

### **C. SOLATIUM**

On the market-value so determined by the LAC, the owners/interested persons are entitled to get 30% extra compensation as solatium as per the provisions of L.A. Act.

### **D. ADDITIONAL BENEFITS**

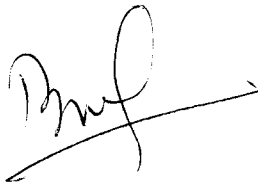
The interested persons are also entitled to have additional benefits @ 12% per annum on the market value of the land and solatium u/s 23(i)(ii)(a) of the Land Acquisition Act from the date of notification u/s 4 till the date of possession or award i.e. from 01.04.2004 to 18.03.2005.

### **E. INTEREST U/S 34**

No interest shall be paid in this acquisition as the possession is still with the interested person.

## **COMPENSATION FOR TREES & BORE-WELLS**

On survey of the land, eight trees (3 large and 5 small) were found on the site. These tree can be used for fire-wood purpose only. Taking the size of each tree, the compensation is assessed at Rs. 2,000/- for each large tree and Rs. 1,000/- for each small tree. The value of one existing bore-well is assessed at Rs. 5,000/-.



The details of valuation of trees is as under :-

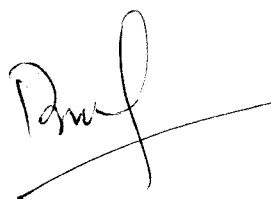
Sl. No.	Name of Tree	No. of Trees	Total Value
1.	Neem	01	Rs. 2,000/-
2.	Shatut	02	Rs. 4,000/-
3.	Ber	02	Rs. 2,000/-
4.	Safeda	03	Rs. 3,000/-
		<b>Total</b>	<b>Rs. 11,000/-</b>

**F. APPORTIONMENT**

The compensation will be paid to the rightful owners/interested persons on the basis of latest records. The details of recorded owners of land under acquisition were collected from the revenue record which is as under :

S.No.	Property No.	Name of Interested Person	Status of Land	Amount (Rs.)
1.	Khasra No. 2359 (min)	Sh. Varinder Singh Sood	Free Hold	1,07,18,321/-

Since, the above noted property is free hold, the total compensation assessed in favour of the recorded owner.



**SUMMARY OF AWARD**

S.No.	ITEM	AMOUNT (Rs.)
1.	Compensation for the land measuring 557.61 sqm. @ 13,491/-	Rs. 75,22,716/-
2.	Solatium @ 30%	Rs. 22,56,815/-
3.	Value of structures	Rs. 46,800/-
4.	Addl. Benefits u/s 23 (1A) on item 1 & 3 @ 12% per annum from the date of notification to the date of award i.e.01.04.2004 to 18.03.2005 (352 days)	Rs. 8,75,990/-
5.	Value of trees & Bore-well	Rs. 16,000/-
GRAND TOTAL :-		Rs. 1,07,18,321/-

(Rupees One Crore Seven Lacs Eighteen Thousand Three Hundred Twenty One Only).

Approved.

*[Signature]*  
5/4/2005  
Secretary (Revenue)

*[Signature]*  
(BINAY BHUSHAN)  
LAND ACQUISITION COLLECTOR  
WEST DISTRICT: DELHI

The award is drawn with the approval of Secretary (Revenue), GNCT of Delhi & announced accordingly in the open court

*[Signature]*  
7/4/05

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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
LAND & BUILDING DEPARTMENT : VIKAS BHAWAN, NEW DELHI

No. F.10(40)/2003/L&B/LA/26

Dated: 01/04/2004

NOTIFICATION

Whereas it appears to the Lt. Governor, Delhi that land is likely to be required to be taken by Government at public expense for a public purpose namely for setting up of community center under planned development of Delhi. It is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

The notification is made, under the provisions of sub-section 1 of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lt. Governor, Delhi is please to authorize the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey the land in the locality and do all other acts required or permitted by that section.

Any person, interested, who has any objection to the acquisition of any land in the locality, may within 30 days of the publication of the notification file an objection in writing before the Land Acquisition Collector (West), Delhi.

Map showing the boundaries of land covered by the notification is available for inspection in the office of the Land Acquisition Collector (West).

SPECIFICATION

VILLAGE	TOTAL AREA	KHASRA NO.	AREA
Basaidarapur	667 sq. yards	2359 min	667 sq yards

BY ORDER AND IN THE NAME OF THE LT. GOVERNOR OF DELHI

(LAL SINGH)  
DY. SECRETARY (L.A.)

Case  
29529/04  
6/4/04

1195/LAC/W  
8/04/04

557



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GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI  
LAND & BUILDING DEPARTMENT : VILAS BILAWAN : NEW DELHI

No. F.10(10y/2003/L&B/LA/ 13523

Dated :- 10/11/2004

NOTIFICATION

Whereas it appears to the Lt. Governor, Delhi that land is likely to be required to be taken by Government at public expense for a public purpose namely for setting up of community center under planned development of Delhi. It is hereby notified that the land in the locality described below is likely to be required for the above purpose.

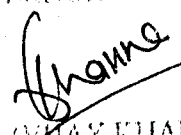
This declaration is made under the provisions of Section 6 of the Land Acquisition Act, 1894, in respect of the land notified U/s 4 of L.A. Act, 1894 vide Notification No. F.10(10y/2003/L&B/LA/ 13523 dated 14.2.2004 to all whom it may concern. Under the provisions of Section 7, of the said Act, the Land Acquisition Collector (West), Delhi is hereby directed to take orders for the acquisition of the said land.

A plan of the land may be inspected at the office of the Land Acquisition Collector (West), Delhi.

SPECIFICATION

VILLAGE	TOTAL AREA	KHASRA NO.	AREA (ORGUA - BISWA)
Basaidarapur	667 sq. yards	2389 min	667 sq yards

BY ORDER AND IN THE NAME OF THE LT. GOVERNOR OF DELHI

  
(VIJAY KHAMNA)  
DY. SECRETARY (LA)